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NVIDIA CORPORATION

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

MICHAEL BENSIGNOR, d/b/a MIKE'S
COMPUTER SERVICES, on behalf of
himself and all others similarly situated,

Plaintiff,

v.

NVIDIA CORPORATION; ATI
TECHNOLOGIES, INC.; and
ADVANCED MICRO DEVICES, INC.,

Defendants.

Case No. C-07-0394 WHA

CLASS ACTION

**STIPULATED REQUEST TO CONTINUE
INITIAL CASE MANAGEMENT
CONFERENCE AND ADR DEADLINES;
~~PROPOSED~~ ORDER**

JURY TRIAL DEMANDED

Plaintiff Michael Bensignor d/b/a Mike's Computer Services ("Plaintiff") and Defendants Nvidia Corporation ("Nvidia"), ATI Technologies ULC and Advanced Micro Devices, Inc. (collectively "AMD") hereby jointly request the Court to continue the initial case management conference and related deadlines in this action as follows.

1. On January 19, 2007, Plaintiff filed the complaint in this action ("Complaint"), which alleges claims under Section 1 of the Sherman Act, 15 U.S.C. § 1. Plaintiff styled the Complaint as a putative class action.

2. As of the date of this Stipulation, at least 42 other complaints have been filed in this and other judicial districts. All of these complaints also allege federal and/or state law antitrust claims against Nvidia and AMD and are styled as putative class actions.

1 3. On December 8, 2006, the plaintiffs in some of the other actions pending in this
2 district filed a motion before the Judicial Panel on Multidistrict Litigation (“JPML” or “Panel”) to
3 transfer and consolidate in this judicial district all existing and subsequently filed antitrust actions
4 related to the claims alleged in the Complaint (“JPML Motion”). The JPML Motion is currently
5 pending in *In re Graphics Processing Units Antitrust Litigation*, MDL Docket No. 1826.

6 4. On January 16, 2007, AMD and Nvidia filed a response with the JPML supporting
7 consolidation and transfer of these actions to the Northern District of California, San Jose
8 Division, or, in the alternative, in the Northern District of California, San Francisco Division. To
9 date, every party responding to the JPML Motion has supported consolidation and transfer. No
10 party has opposed consolidation and transfer.

11 5. Oral argument on the JPML Motion is scheduled for March 29, 2007 in San
12 Antonio, Texas. The parties agree that, at some point subsequent to that hearing, the JPML is
13 likely to order transfer and consolidation of these actions.

14 6. In light of these facts, Plaintiff and Defendants stipulated on January 30, 2007 to
15 extend the time for Defendants to respond to the Complaint to 30 days after (1) the order
16 resolving the JPML motion and (2) the filing and service of any subsequent consolidated
17 complaint, without prejudice to the right of Nvidia or AMD to seek additional time to answer or
18 otherwise respond to the Complaint for good cause shown.

19 7. Given the March 29, 2007 hearing date before the JPML, at least one of the dates
20 set forth in the Case Management Scheduling Order entered on January 19, 2007, including the
21 deadlines imposed by Federal Rules of Civil Procedure 26, Local Rule 16, and ADR Local Rule
22 3.5, will likely come to pass before the JPML acts on the pending motion.

23 8. Continuing the dates set forth in the January 19, 2007 Case Management
24 Scheduling Order would avoid the expenditure of unnecessary judicial resources until it is
25 determined whether this action will remain pending in this Court. It would also ensure
26 consistency in pretrial rulings and be convenient for the parties, including Plaintiff.

27 9. Accordingly, the parties hereby stipulate to and respectfully request that the Court
28 order a continuance of the dates set forth in the January 19, 2007 Case Management Scheduling

Order. The affected dates include the deadline to meet and confer and file joint ADR documents (currently April 5, 2007); the deadline to complete Initial Disclosures, the Joint Case Management Statement, and the Rule 26(f) Report (currently April 12, 2007); and the Initial Case Management Conference (currently April 26, 2007).

10. The parties request that the Court continue the above referenced schedule as follows: (1) the deadline to meet and confer and file joint ADR documents – May 3, 2007; (2) the deadline to complete Initial Disclosures, the Joint Case Management Statement, and the Rule 26(f) Report – May 17, 2007; and (3) the Initial Case Management Conference – May 24, 2007. Such a continuance will allow this matter to move forward promptly in the event that the JPML Motion is denied and further proceedings before this Court are necessary.

11. Except as described in Paragraph 6, the parties have sought no previous modification of the timing of any event or deadline set by the Court.

12. The parties agree to notify the Court promptly when the Panel rules on the JPML Motion.

Respectfully submitted,

Dated: March 21, 2007

COOLEY GODWARD KRONISH LLP

By: /s/ James Donato
James Donato (146140)

Attorneys for Defendant
NVIDIA CORPORATION

Dated: March 21, 2007

LATHAM & WATKINS LLP

By: /s/ Charles H. Samel
Charles H. Samel (182019)

Attorneys for Defendants
ATI TECHNOLOGIES ULC and
ADVANCED MICRO DEVICES, INC.

Dated: March 22, 2007

FURTH LEHMANN & GRANT LLP

By: /s/ Jon T. King
Jon T. King (205073)

Attorneys for Plaintiff
Michael Bensignor

FILER'S ATTESTATION:

Pursuant to General Order No. 45, § X(B) regarding signatures, I attest under penalty of perjury that the concurrence in the filing of this document has been obtained from its signatories.

Dated: March 21, 2007

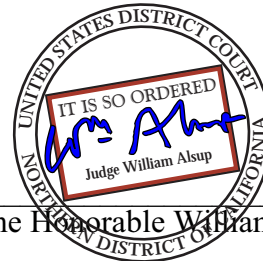
By: /s/ James Donato
James Donato

~~PROPOSED~~ ORDER

Pursuant to the stipulation of the parties, all dates set forth in the January 19, 2007 Case Management Scheduling Order are hereby continued as follows: (1) the deadline to meet and confer and file joint ADR documents will be May 3, 2007; (2) the deadline to complete Initial Disclosures, the Joint Case Management Statement, and the Rule 26(f) Report will be May 17, 2007; and (3) the Initial Case Management Conference will be May 24, 2007. The parties are ordered to notify the Court promptly when the Judicial Panel on Multidistrict Litigation rules upon the motion for consolidation pending in MDL Docket No. 1826, *In re Graphics Processing Units Antitrust Litigation*.

Pursuant to stipulation, it is so ordered.

Dated: March 23, 2007



The Honorable William H. Alsup